

REMARKS

I. CLAIM STATUS

Claims 1 and 71-91 were examined. Amended claims 1 and 71-91, and new dependent claim 92, are present. The independent claims have been amended to require indium in the first layer.

II. REJECTIONS

The office action rejects claims 1, 71-77, and 81-91 under 35 USC 103 as obvious in view of Braddock and Hong.

In response, the applicant notes that neither Braddock nor Hong suggest indium in a first layer, a layer contacting the Nitride containing III-V structure. In contrast, this application discloses the first layer may be a mixture of Indium and Gallium oxides. Therefore, the claims have been amended to recite "wherein said first layer comprises oxygen and indium, said first layer in contact with said upper surface." Since neither Braddock nor Hong suggest that concept, rejection of the amended independent claims, and therefore also of the dependent claims, would be improper.

The office action rejects claims 78-80 as noted above and further in view of Hobson to teach a particular substrate under the nitride compound. Hobson does not make up for the failings of Braddock nor Hong. Therefore, rejections of amended claims 78-80 would also be improper.

The office action rejects claims 1, 71-77 and 82-91 for non statutory double patenting over claims of USP 6989556. In response, the applicant files herewith a terminal disclaimer mooting those rejections and pays the fee therefore.

The office action rejects claims 1, 71-77 and 82-91 for non statutory double patenting over claims of USP 7187045. In response, the applicant files herewith a terminal disclaimer mooting those rejections and pays the fee therefore.

III. FORMALITIES

In response to item 1 in the office action, a new abstract is submitted herewith.

In response to item 2 in the office action, the applicant traverses and requests the examiner to reconsider. Neither of the two items identified in section 2 is relevant to understanding. In addition, the "metal-oxide - - compound" recitation is not even a grammatical error. In both cases, the effort involved both by the applicant and the USPTO in correcting for publication the changes required do not justify the imposition of a requirement. Accordingly, the applicant requests that the examiner withdraw the two requirements.

In response to item 3 in the office action, the applicant addresses the formalities of claims 71, 72, 76, 77, and 80 with minor formal amendments.

5/28/2008	/RichardNeifeld#35,299/
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